

FILED

1/10/2020

Clerk, U.S. District Court  
District of Montana  
Helena Division

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**HELENA DIVISION**

CALEB GARRETT, as Owner and  
Operator of the Crestliner 16-foot  
Fishing Boat, Vessel Official Number  
MT3657AV

Plaintiff,

For Exoneration From or Limitation of  
Liability.

No. CV 19-81-H-SEH

**ORDER**

Plaintiff's Complaint For Exoneration From Or Limitation Of Liability filed on December 5, 2019,<sup>1</sup> is grounded in 46 U.S.C. §§ 30501–30512, and is asserted to be “a cause of admiralty or maritime jurisdiction . . . within the meaning of Federal Rule of Civil Procedure 9(h) and Rule F of the Supplemental Rules for Admiralty or Maritime Claims.”<sup>2</sup>

On December 19, 2019, the Court on its own motion ordered briefing “directed to whether federal admiralty jurisdiction has, by applicable law, been

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<sup>1</sup> Doc. 1.

<sup>2</sup> Doc. 1 at 1–2.

adequately well-pleaded to invoke this Court's subject matter jurisdiction."<sup>3</sup>

Plaintiff's Brief Regarding Maritime Jurisdiction was filed as directed on January 3, 2020.<sup>4</sup>

ORDERED:

Review of the record indicates federal admiralty jurisdiction is lacking.<sup>5</sup> Plaintiff's Complaint For Exoneration From Or Limitation Of Liability<sup>6</sup> is DISMISSED for want of jurisdiction. The Clerk is directed to close the case.

DATED this 10<sup>th</sup> day of January, 2020.



SAM E. HADDON  
United States District Judge

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<sup>3</sup> Doc. 4.

<sup>4</sup> Doc. 5.

<sup>5</sup> See *Adams v. Mont. Power Co.*, 528 F.2d 437, 440-41 (9th Cir. 1975) (finding the twenty-five mile stretch of the dam-obstructed portion of the Missouri river was not navigable for purposes of exercising admiralty jurisdiction), *aff'd* 354 F. Supp. 1111 (D. Mont. 1973).

<sup>6</sup> Doc. 1.